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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,153	10/05/2004	Kia Silverbrook	YU176US	6659
24011 7590 01/09/2007 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			EXAMINER DO, AN H	
			ART UNIT 2853	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/510,153

Applicant(s)

SILVERBROOK, KIA

Examiner

An H. Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/112,767.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/7/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/112,767, filed on July 10, 1998.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 07 August 2006 was filed and is being considered by the examiner.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,540,332.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Claims 1-10 of U.S. Patent No. 6,540,332 disclose the following claimed features:

Regarding claim 1, a printhead chip for an inkjet printhead (claim 1, lines 1-2), the printhead chip comprising: a substrate (claim 1, line 3); and a plurality of nozzle arrangements positioned on the substrate (claim 1, lines 4-5), each nozzle arrangement comprising: a nozzle chamber structure that defines a nozzle chamber in which ink is received (claim 1, lines 6-7); an ink-ejecting member that is positioned in the nozzle chamber and is displaceable in the nozzle chamber to eject ink from the nozzle chamber (claim 1, lines 8-10); at least one actuator that is positioned on the substrate (claim 1, line 11), the, or each, actuator having a working position that is displaceable

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with respect to the substrate when the actuator receives a drive signal (claim 1, lines 12-14); a sealing structure that is positioned on the substrate and is interposed between the, or each, actuator and the ink-ejecting member to inhibit a passage of ink between the ink-ejecting member and the actuator (claim 1, lines 15-18); and a motion transmitting structure that bridges the sealing structure (claim 1, lines 20-21), the motion transmitting structure comprising an effort formation that is connected to the working portion of the actuator (claim 7, lines 1-4), a load formation that is connected to the ink-ejecting member and a lever arm formation that interconnects the effort formation and the load formation (claim 7, lines 4-6), the lever arm formation being pivotal with respect to the nozzle chamber structure so that reciprocal movement of the working portion of the actuator is accommodated by pivotal movement of the lever arm formation with the result that the ink-ejecting member is reciprocally displaced towards and away from the ink ejection port (claim 7, lines 7-12).

Regarding claim 2, which is the product of an integrated circuit fabrication technique (claim 2).

Regarding claim 3, in which the substrate includes a silicon wafer substrate and a CMOS drive circuitry layer positioned on the wafer substrate (claim 3).

Regarding claim 4, in which the nozzle chamber structure includes nozzle chamber walls that extend from the substrate and a roof that spans the nozzle chamber walls, the roof defining an ink ejection port from which ink is ejected, in use (claim 4).

Regarding claim 5, in which the nozzle chamber walls and the roof are configured so that the nozzle chamber is substantially rectangular in plan, with the

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nozzle chamber walls defining a distal end wall, a proximal end wall and a pair of opposed side walls (claim 5).

Regarding claim 6, in which the sealing structure and the motion transmitting structure of each nozzle arrangement define at least part of the proximal end wall (claim 6).

Regarding claim 7, in which each nozzle arrangement includes a thermal bend actuator that includes an elongate actuator arm having a fixed end that is fixed with respect to the substrate and a working end, defined by the working portion, that is displaceable with respect to the substrate, the thermal bend actuator being configured so that, when the actuator receives a signal from the drive circuitry layer, the elongate actuator arm bends towards the substrate, the working end being fixed to the effort formation of the motion transmitting structure so that, upon such movement of the actuator arm towards the substrate, the lever arm formation pivots and the load formation acts on the ink ejection member to drive the ink ejection member towards the ink ejection port (claim 8).

Regarding claim 8, in which the lever arm formation is mounted on the nozzle chamber walls with a pair of opposed, resiliently flexible connectors (claim 9).

Regarding claim 9, an inkjet printhead that includes at least one printhead chip (claim 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have claims 1-9 of the instant application anticipated by claims 1-10 of Patent '332 in order to obtain more variety of claimed structures.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

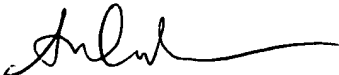
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 571-272-2143. The examiner can normally be reached on Monday-Friday (Flexible).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD  
December 29, 2006



An H. Do  
Primary Examiner  
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